REMARKS

Reconsideration and allowance are requested in view of the above amendments and the following discussion.

This Amendment After Final Rejection will also confirm the substance of the February 9, 2007 interview between Examiner Nathan Nutter and applicants' representatives Dr. Thomas Folda, Dr. John McAlvin and Thomas A. Hodge. During the interview, the Examiner provided a copy of the February 2 Office Action which had not been received by applicants' attorney Thomas A. Hodge.

I. Election/Restrictions

Original Claims 22-24 have been withdrawn as being directed to a non-elected invention. In the February 2 Office Action, new Claim 26 has been withdrawn as being directed to a non-elected invention. Accordingly, Claims 22-24 and 26 are cancelled, subject to applicants' right to present these claims a later-filed application.

II. Claim Interpretations

Applicants have noted the Examiner's comments in regard to the interpretation of certain terms in Claims 11 and 17-20. Applicants submit that a response is not required to such interpretations.

III. The Removal of Rejections

Applicants note that the prior rejection of Claim 7 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, is expressly withdrawn.

Applicants note that the prior rejection of Claims 1-9, 11-21 and 25 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is expressly withdrawn.

Applicants note that the prior rejection of Claims 1-21 and 25 under 35 U.SC. 102(e), as being anticipated by Hewitt et al. U.S. Patent Application Publication No. US 2004/0010061, is expressly withdrawn.

Applicants note that the prior rejection of Claims 1-11, 14-21 and 25 under 35 U.S.C. 103(a), as being unpatentable over Jaworek et al. U.S. Patent No. 6,777,458, is expressly withdrawn.

Applicants note that the prior rejection of Claims 1-21 and 25 under 35 U.S.C. 103(a), as being unpatentable over Jaworek et al. U.S. Patent No. 6,777,458 in view of Kosono et al. U.S. Patent No. 6,992,140, is expressly withdrawn.

IV. The Objection to Claim 15

Under 37 C.F.R. 1.75(c), the Examiner has objected to Claim 15 as being of improper dependent form for failing to further limit the subject matter of a previous claim. This objection is traversed for the following reasons.

Claim 15 is dependent upon Claim 14 which states that the unsaturated polyester **is at least partially derived** from an epoxy functionalized meth(acryalte). Therefore, the use of this meth(acrylate) component is required under the language of Claim 14. The language of Claim 15 states an upper limit for use of the meth(acrylate) component.

Therefore, Claim 15 does further limit the subject matter of Claim 14. (This same reasoning also applies to Claims 12 and 13.)

V. The Rejections Under Section 112

A. Under 35 U.S.C. 112, first paragraph, the Examiner has rejected Claim 10 as failing to comply with the enablement requirement. Specifically, the Examiner states that the recitation of "analogues of such monomers" is not proper since analogues are compounds having similar electronic structures but different atoms.

In response, Claim 10 has been amended to delete that recitation.

B. Under 35 U.S.C. 112, second paragraph, the Examiner has also rejected Claim 10 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner again states that the recitation of "analogues of such monomers" is not proper since analogues are compounds having similar electronic structures but different atoms.

In response, as stated above, Claim 10 has been amended to delete that recitation.

Consequently, applicants request the removal of the rejections of Claim 10 under Section 112.

VI. Double Patenting

The Examiner has provisionally rejected Claims 1-21 and 25 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-24 of copending U.S. Application Serial No. 10/440,610. The Examiner acknowledges that, although the conflicting claims are not identical, they are not patentably distinct from

each other because the particular unsaturated polyester of the copending Serial No. 10/440,610 is embraced by the recitations in the claims of the present application.

The present Serial No. 10/789,245 is commonly owned with the copending Serial No. 10/440,610. However, as this is a provisional obviousness-type double patenting rejection, applicants will provide a more complete response when the conflicting claims of copending Serial No. 10/440,610 are indicated as patentable.

VII. The Rejection Under Section 103

Under 35 U.S.C. 103(a), the Examiner has rejected Claims 1-11, 16-21 and 25 as being unpatentable over Boeckeler U.S. Patent No. 5,369,139. This rejection is traversed for the following reasons.

Applicants note that Claims 12-15 are not subject to this rejection.

The standards and requirements for a proper rejection under Section 103(a) are discussed in the Amendment mailed September 29, 2006 and will be considered as repeated here.

As discussed at the February 9 interview, the Boeckeler patent discloses coating systems which are curable emulsions, and these emulsions require the presence of water. For example, this patent discloses at column 2, lines 8-14:

> "The radiation and peroxide curable oligomeric emulsions of this invention are prepared by adding water under high shear agitation to a mixture comprising:
>
> A. an α, β - ethylenicllly unsaturated oligomer;
>
> B. a reactive, nonionic surfactant containing allyl unsaturation; and
>
> C. a metallic salt drier."

Further, at line 65 of column 3-line 5 of column 4, the Boeckeler patent discloses:

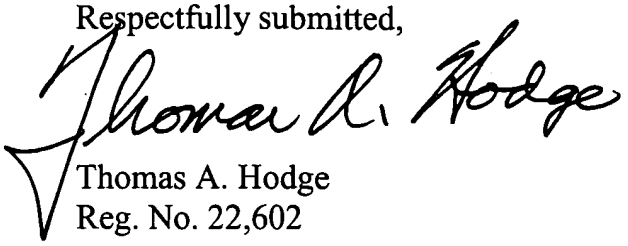
> "The amount of water used in the emulsion can vary from about 10 percent to about 90 percent by weight of the total emulsified composition. Preferably, water is present in an amount of at least about 20 percent by weight and not in excess of about 60 percent by weight. More preferably, water is present in an amount between about 30 percent and about 50 percent by weight. The less water which is present, the more quickly it can be removed from the deposited film."

To the contrary, the compositions of the present invention are not emulsions, and water is not added to these compositions. In fact, the presence of water in the compositions of this invention leads to a material negative effect, as explained in the attached March 29, 2007 Declaration of John E. McAlvin. Therefore, the invention disclosed and claimed in the present application is not rendered obvious by the Boeckeler patent.

Applicants request the removal of this rejection under Section 103.

Based upon the above amendments to the claims and the above reasoning, taken together with the attached McAlvin Declaration, applicants submit that this application is in condition for allowance, which action is requested.

Respectfully submitted,



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